

WEEKLY REPORT
Region 9
Environmental Protection Agency
Week of October 7, 2016
Office of Regional Counsel

Highlight of Past Week

Significant Items for Next Week

Press Stories, Significant Policy, Regulatory, or Legal Actions (2-3 weeks out)

Rayco Development Solutions, Inc., TSCA Lead RRP Settlement

On September 21, 2016, Region 9 entered into a Consent Agreement and Final Order with Rayco Development Solutions, Inc., settling violations of the Toxic Substances Control Act and implementing Lead Pre-Renovation Education and Renovation, Repair and Painting regulations. Region 9 issued a complaint against Respondent on January 20, 2016. Under the terms of the CAFO, Respondent must pay a penalty of \$5,000. Contact: Carol Bussey, ORC, 415-972-3950.

Southern Counties Oil OPA CAFO

On September 28, 2016, Region 9 entered into a Consent Agreement and Final Order with Southern Counties Oil Co., dba SC Fuels, settling violations of Section 311(j) of the Clean Water Act, and implementing regulations. EPA's inspection of the SC Fuels bulk petroleum storage and distribution facility located in San Jose, California, revealed deficiencies in the company's Spill Prevention, Control, and Countermeasure Plan, and violations of secondary containment and tank testing requirements. The CAFO requires SC Fuels to pay a civil penalty of \$75,000. Contact: Tessa Berman, ORC, 415-972-3472.

Eco Services Operations Corp. CAA 112r and EPCRA 304 Settlement

On September 29, 2016, Region 9 entered into a CAFO with Eco Services Operations Corp. to pay \$106,000 in civil penalties for violations of the General Duty Clause of the Clean Air Act Section 112(r)(1) and the release notification requirements of EPCRA Section 304. On November 18, 2013, the Facility released approximately 65,000 pounds of sulfur dioxide and failed to notify the SERC for over eight hours, in violation of EPCRA Section 304. An internal investigation revealed the release was at least partially caused by Respondent's failure to follow appropriate safety procedures in violation of the General Duty Clause. Contact: Taly Jolish, ORC, 415-972-3925.

Five California Facilities CAA Section 112(r)(7) CAFOs

On September 30, 2016, Region 9 entered into five Consent Agreements and Final Orders regarding the following sites: Tanimura and Antle Fresh Foods Inc.-Spreckles Facility; Tanimura and Antle Fresh Foods Inc.-Cantua Creek Facility; P-R Farms, Inc. -Clovis Facility; P-R Farms, Inc. -Madera Facility; and Bodega Bay Public Utility District. The CAFOs resolve a violation at each of the five facilities of Section 112(r)(7) of the Clean Air Act for failure to re-submit the facility's Risk Management Plan within five years of the facility's previous RMP submittal. The CAFOs require each corporate Respondent to pay a civil penalty of \$5,000 and the public utility to pay a civil penalty of \$2,500. Contact: Rebekah Reynolds, ORC, 415-972-3916.

Bay Area Air Quality Management District Files Petition for Review of EPA's Limited Disapproval of New Source Review Permitting Rules In The 9th Circuit Court of Appeals
Attorney Client (b) (5)

. Contact: Ann Lyons,
415-972-3883.

Agreement for Orange County Water District to Conduct Initial RI/FS for Orange County North Groundwater Basin

On October 4, 2016, Region 9 entered into an Agreement with the Orange County Water District to conduct a remedial investigation and feasibility study for area-wide groundwater contamination that threatens the North Basin's drinking water aquifer. The Agreement requires OCWD, which is public entity charged with managing Orange County water resources and not a potentially responsible party for the North Basin, to conduct an RI/FS to initially contain the groundwater contamination, preventing contamination from reaching the area's drinking water aquifer and conduct initial work toward characterizing the full extent of the North Basin groundwater contamination. The Agreement requires OCWD to pay EPA's Oversight Costs, and it provides OCWD with covenants and the ability to do its own cost recovery. Contact: Bethany Dreyfus, ORC, 415-972-3886.

Grant Announcements

Legislative Engagement

Travel, Training, Public/National Meetings, and Speaking Engagements

30-60 Day Outlook

Other Information

Regional Counsel Travel:

Internal Personnel (b) (2)

Internal to Region 9

Confidential Information